

# Frederick County Planning Commission

## Meeting Minutes

September 16, 2009

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**COMMISSION MEMBERS PRESENT:**

Richard Floyd  
Kai Hagen, BoCC Liaison  
Catherine Forrence, Chair

John McClurkin, Secretary  
Audrey Wolfe  
Robert White, Vice Chair

**COMMISSION ABSENT:**

Joseph Brown

**PLANNING STAFF PRESENT:**

Mark Depo, Deputy Director  
Lenny Thompson, BoCC

Kathy Mitchell, Asst County Attorney

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**7:00 P.M.**

EVENING SESSION

CHAIR FORRENCE BROUGHT THE MEETING TO ORDER AT 7:00 PM.

**1) ADEQUATE PUBLIC FACILITIES ORDINANCE..... RECOMMENDATION**  
**Countywide School APFO Testing**

Review of an ordinance proposed by the BOCC to apply Adequate Public Facilities testing for schools countywide, including within the municipalities. (BoCC Commissioner Thompson, Kathy Mitchell).

**Staff Presentation:** Assistant County Attorney Mitchell presented the Staff Report as well as comments received from Mr. Joseph Adkins, Deputy Director of Public Works for Planning and Carroll Jones, Mayor of the City of Brunswick.

**Recommendation:** Staff recommended that FcPc determine whether or not to recommend adoption of proposed legislation to the Board of County Commissioners (BoCC).

**Discussion:** Question and clarification was given regarding responsibility; ease of retrieval to available information; and enforcement mechanisms.

**Applicant:** Commissioner Thompson, as the Applicant, stated that the text amendment would prevent new development within a municipality unless and until the schools are adequate to handle that capacity. There is a political disconnect – municipalities not wanting interference and wanting help to solve overcrowding issues. This amendment is an incentive for municipalities to adopt a school APFO that is as strict as the county's. He also discussed enforcement and \$50mm in county citizen's forward funded taxes for school construction. In response to questions he discussed the need to inconvenience developers; threshold numbers and effective date; incentive for zoning and public facilities; municipalities that had a school APFO (Walkersville, Thurmont, Myersville, Brunswick, Mt. Airy, City of Frederick) and those that didn't. Although, he commented that the City of Frederick's APFO test for school was meaningless and ineffective due to the fact that if a developer fails the APFO for 3 consecutive years the developer automatically passes the City's school APFO test without regard to whether the school(s) is adequate.

**Public Comment:**

- *Alan Imhoff, Alderman for the City of Frederick – Maryland Municipal League - Opposed*
- *Joe Adkins, County Resident - Comments*

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PLEASE NOTE BOTH AUDIO AND VIDEO TAPES ARE AVAILABLE UPON REQUEST.

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- *Carol Jones, Mayor of Brunswick -Opposed*
- *MC Keega- Ayre, PTA Council - Support*
- *Bill Blakeslee, speaking on behalf of the Mayor of Thurmont-Opposed*
- *Krista McGowan – Jefferson Valley LLC – Clover Ridge & Whittier – Opposed*
- *Krista McGowan –RGHGAB LLC – Waverly PND-Opposed*
- *Krista McGowan –Seawright LLC-Opposed*
- *Krista McGowan – Opposed*
- *John Anderson – Rocky Gorge Development – Opposed*

**Rebuttal:** Commissioner Thompson commented there would always be disparity between municipalities approving growth and development and monies to pay for improvements needed (grow responsibly).

**MOTION:** Commissioner White made a motion to recommend approval of the APFO Text Amendment to apply APFO School Test Countywide to the BoCC. [TS - 2:00:21](#)

**White/ 2<sup>nd</sup> Floyd – Motion Passed 5-0-1-1**

**Yea-5** (Floyd, Forrence, McClurkin, White, Wolfe), **Nay-0, Absent-1** (Brown), **Abstain-1** (Hagen)

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**MOTION:** Commissioner White made a motion to recommend to the BoCC that they consider grandfathering projects well into the process, establishing a specific date (“a date certain”) for application of the text amendment. [TS - 2:00:58](#)

**White/ 2<sup>nd</sup> Floyd – Motion Passed 5-0-1-1**

**Yea-5** (Floyd, Forrence, McClurkin, White, Wolfe), **Nay-0, Absent-1** (Brown), **Abstain-1** (Hagen)

**\*\*\* ADJOURNED MEETING AT 8:51PM \*\*\***

Respectfully Submitted,

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Catherine Forrence, Chair

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